

City of Berkeley

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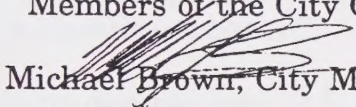
FOR COUNCIL ACTION

February 4, 1992

Deadline for Council Action:

February 11, 1992

TO: Honorable Mayor and
Members of the City Council

FROM:  Michael Brown, City Manager

SUBJECT: EMERGENCY OPERATIONS AND RESPONSE TAX

Introduction

This report recommends and requests for action that the City Council place a measure on the June 2, 1992 ballot which, if approved by 2/3 of the voters, would authorize the levying of a ten cent per square foot assessment tax on residential property and a five cent per square foot tax on industrial and warehouse property. The purpose of this tax is to finance a comprehensive on-going program of fire service, emergency communications, water service, warning system, citizen emergency response capability, and training improvements throughout the entire City of Berkeley. Berkeley's location, directly on the Hayward fault and its proximity to wildlands covered with dense, dry brush, combined with its very dense population, makes it extremely vulnerable to natural and man-made large scale disasters.

Proposition 13 property tax limits prohibit utilizing general tax increases that would be the normal source to fund these programs. At the same time, the fiscal abandonment of the poor and inner cities by the State of California and the United States Government, over the past decade, requires that the City use limited General Fund dollars to maintain traditional health, social service, and housing assistance programs, which protect our poorest citizens and especially our children and youth. The specter of special interest, voter initiated Charter mandated restrictions on revenue, such as the proposed real property transfer tax rollback, pose such uncertainty and confusion, that it is imperative that the City Council and the voters of Berkeley have an opportunity to forthrightly determine the level of public safety services to be provided in this city. Long term plans, State legislation, and visionary



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service districts will come too late to be of help.

For example, last night (Monday, February 3, 1992), the Fire Marshal telephoned the Fire Chief from the Park Hills neighborhood, next to Tilden Park, where he observed dry strong northeasterly winds. In spite of recent light rains, the Fire Marshal's and the Fire Chief's assessment was that heavy brush and debris accumulations in both uninhabited land and areas with homes, combined with the drying effect of the wind, constituted a significant hazard.

Now that the studies are over, it is time to take action by funding concrete programs and capital improvements. These projects and programs are calculated to diminish the risk of disasters spreading beyond control and enhancing the ability of each and every Berkeley citizen to survive when a large uncontrollable disaster does occur.

We have a clear opportunity to demonstrate that we Support Safety First by Saving Our Families, Surviving the Earthquake, and Suppressing Fires at the earliest possible moment and with as much overwhelming apparatus and human power as possible. The program below is outlined in preliminary fashion in order to afford Council enough of a preview to place this measure on the ballot. Attachment I provides an estimated budget for this comprehensive program. A more detailed program, in book form, will be presented later in the month in standard budgetary format, so that Council will have an opportunity to review programs and projects in detail and solicit wide community involvement prior to June and prior to adoption of the final City budget.

RECOMMENDATION

It is recommended that the Council place the Emergency Operations and Response Tax on the ballot for the June 2, 1992 election and direct the City Attorney and the City Clerk to prepare the required documents. A draft proposed Title and Purpose of the Tax is outlined below:

This chapter may be cited as the "Emergency Operations And Response Act of 1992." The tax imposed under this chapter is solely for the purpose of raising revenue and

THE JOURNAL OF THE ROYAL ANTHROPOLOGICAL INSTITUTE

The Journal of the Royal Anthropological Institute (JRAI) is a peer-reviewed journal of research in human evolution, primatology, and human biology. It is published quarterly by the Royal Anthropological Institute of Great Britain and Ireland. The journal covers a wide range of topics, including the evolution of the human species, the biology of primates, and the interactions between biology and culture in human societies. It is a leading journal in the field of human evolution and is read by researchers and students alike.

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income which is necessary to increase the level of service for emergency operations and response in the event of an earthquake, fire, hazardous materials incident or any other catastrophic event that endangers the health and safety of Berkeley citizens, and to provide funding for a new fire station, increased staffing for fire suppression, rescue, hazardous materials mitigation and emergency medical services, public education programs and necessary capital improvements including but not limited to warning systems, and emergency operations center and acquisition of land for, and construction of, a fire station on the east side of the Hayward fault.

Section 4 of Article XIII A of the California Constitution (Proposition 13) allows two-thirds of the qualified electors of the City to impose a special tax within the City, provided the special tax is not an ad valorem tax on real property or a transaction tax or a sales tax on the sale of real property within the City. The tax imposed by the Library Relief Act of 1980, as amended, is a special tax which is authorized for elector approval by Section 4 of Article XIII A of the California Constitution.

Background

The Loma Preita Earthquake, the July-August 1991 South Campus riots and the October 20, 1991 East Bay Hills Conflagration sharply underscored the need to expand and improve emergency services in the City of Berkeley. The City of Berkeley is not only vulnerable to urban-wildland interface and intermix fires, but is also vulnerable to a wide range of man-made, technological and natural disasters. These include aircraft accidents, oil spills, hazardous materials releases or spills, BART accidents, civil disturbances, earthquakes and liquefaction, landslides, and flooding.

Through input from the residents impacted by the fire and technical staff committees, the Berkeley and Oakland Mayor's Joint Task Force on Emergency Preparedness and Community Restoration, has developed a comprehensive list of emergency planning, response, recovery and mitigation proposals. The preliminary outline of these

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Conclusion

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projects and programs is included later in this report. Working in parallel with the Task Force there have been four staff committees which have developed specific programs and projects in the following areas: Building, Landscaping, Emergency Access and Evacuation and Emergency Communications and Control. Many of the projects and programs listed below reflect the work of these committees.

The existing General Fund Budget cannot accommodate additional programs. There have been many proposals on how to fund various fire and disaster related mitigation projects. These include applying for funding from the Federal Emergency Management Agency, the California Office of Emergency Services, special state legislation, and special high hazard assessment districts. The opportunity for receiving funds from these sources of funding are either unlikely or too limited in scope to make any significant, long-term impact.

It is staff's belief and recommendation that the most equitable method for financing these projects and programs is through a voter approved Emergency Operations and Response Tax. This will increase service levels significantly from the existing levels. The deadline for making the decision about placing this issue on the June 2 ballot is February 11, 1992, because of the legally required timeframe for publishing ballot reports, public notice, etc. A more refined cost estimate and description of the projects will be developed if the issue is put on the ballot.

Attached is a copy of the proposed Emergency Operations and Response Act of 1992. (Attachment II) The proposed tax will generate sufficient funds for a comprehensive range improvements and enhancements. It proposes to fund neighborhood and volunteer training programs which will augment and support City emergency response capabilities, improved radio and 911 communication center capabilities, a warning and emergency information system, and development of a dedicated Emergency Operations Center (EOC).

The proposed tax will generate an estimated gross \$6,842,581 in revenue for Fiscal Year 92-93. After providing for collection costs (1.7% or \$109,524) and uncollectables (4.5% or \$289,916), approximately \$6 million will be available for the first year to fund the projects and operational improvements with the highest priority. Attachment III shows a detailed breakdown of the annual revenue projections for FY 92-93. The rates required to generate these funds are \$.10 per square foot for Residential properties and \$.05 for Commercial and Industrial properties. It is proposed that there be an exemption for low income homeowners who earn less than \$15,000 per year.

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The wording is flexible enough to allow the Council to change provisions of the exemption in the future to deal with inflation or other factors. The annual inflationary adjustment factor is included and is tied to the greater of the Bay Area Consumer Price Index (CPI) or the State of California personal income growth with no cap.

Proposed Projects:

The following is a detailed breakdown on the projects and programs recommended to be funded if the tax is approved by a 2/3 vote of the residents of the City. Improved emergency response capacity on a City-wide basis, rather than on one particular hazard-type or a specific geographic area is emphasized.

1. Disaster Warning and Emergency Information System. The highest priority in responding to a disaster is to immediately alert the City's residents. This project will establish a district specific and Citywide system which will provide a hierarchy of warnings and support emergency information. The system will include sirens, a low watt AM broadcast station, an emergency telephone information network, and a public information and training program. In addition, radio and cable television elements will be included.
2. Emergency Operations Center (EOC). There is a critical and immediate need to upgrade the City's EOC. The EOC is the primary focal point for managing the response to and recovery from a disaster. The EOC is critical to coordination of response, tactics, policy, and relief. It also provides for a single point of contact for public information and media access. The project will strengthen a suitable space, enhance existing radio and telephone capacities, and generally equip the facility. The EOC will feature an integrated communication system including the existing 911 service and will control the Disaster Warning and Information System.
3. 911 Sequencing Equipment. This specialized equipment will allow for a call to be captured, even if it is not answered. This is particularly helpful during a major disaster when the system can be overwhelmed, or if the other party hangs up suddenly. The caller's phone number and address are captured by the sequencer in either case. This equipment permits the dispatcher to have immediate access to the location from which the call was originated. In turn, allowing the first responders to be sent as soon as practical. This is vital to locating disabled persons and other with special needs during an emergency.

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4. Emergency Management Incident Command System. The need for a coordinated and centrally directed command and control system was evident during the Tunnel Fire. This project will fund the development of standardized operational procedures for all departments, response checklists, routine table-top and functional exercises and training. This incident command system is based on the model used statewide and throughout the nation for disaster response. This system will allow the use of multi-jurisdictional resources with all responders having knowledge and understanding of how the system works.
5. Access and Evacuation Plan. Although there exist a number of official documents regarding emergency access and evacuation routes, they have not been updated for some time. This effort would evaluate current plans, identify substandard streets and bottlenecks, establish a program and schedule for mitigation, and propose opportunities for identifying and extending pathways.
6. Vegetation Fuel Reduction and Management Plan. This effort would identify major concentrations and sources of brush and debris and delineate alternatives for reducing the fuel load. It would propose opportunities for fuel breaks on undeveloped land in order to reduce the spread of fires. It would also establish an annual schedule and relative priority for removing hazardous accumulations of vegetation.
7. Yard Debris Program. This would continue and expand an existing City-wide program which provides free curbside collection of plant debris. The program provides an important disposal opportunity which will enhance the reduction of hazardous vegetation. Debris collected with this program would be composted at a central site.
8. Public Property Fuel Management Program. This program will periodically remove hazardous vegetation from approximately 80 acres of the public right-of-way and City-owned public parks. It is proposed that the clearance work be performed by the California Conservation Corps, the East Bay Conservation Corps or some similar public, non-profit organization. Alternatives will be used including new "chipping in-place" technology which reduces the need for hauling and disposal and provides mulch for moisture retention.
9. Emergency Access and Evacuation Program. Based on the Access and Evacuation Plan the City will provide a number of mitigation actions for poorly marked and narrow streets. This will include selected expansion of no parking and fire lane zones, high fire season (including football days) parking enforcement and towing, and a comprehensive

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neighborhood education program.

10. Footpath Signage and Extension Program. This program will provide for the signage, improvement, and in some cases, extension of the hill path and stair system. Paths are increasingly recognized as being an important component of the proposed evacuation plan.
11. Weather Monitoring Station. The Tunnel Fire underscored the need to have current information on a variety of weather conditions, including wind, temperature, and humidity. Weather information, particularly rainfall may be crucial to anticipating other hazards. This proposed facility will electronically provide up-to-the-minute data on weather conditions.
12. Improve Existing Radio Communication System. There is an opportunity to upgrade the existing radio system of the Fire Department which would significantly improve inter-agency command and control. This would include additional satellite receivers, portable radios, and provide for a duplex system.
13. Citizens Emergency Response Training (CERT). This program will provide training for volunteers in the following areas: fire suppression, light search and rescue, and disaster first aid. Training would also include evacuation assistance, and shelter management.
14. Fire Safety Public Education Program. This would expand an existing program by providing fire safety instruction to all Berkeley third and fifth grade students, safety presentations to neighborhood organizations, and support the CERT program.
15. Inspection Program. This is a critical element to fire suppression and center piece to the management of hazardous accumulations of vegetation on public and private property. This program will significantly expand the existing inspection program to include as many as 7100 properties in an expanded hazardous fire area which would incorporate most of the hills. It will also expedite response to citizen complaints, monitor fire safety provisions of U. C., and provide for expedited plan checking.
16. Firefighter Training. This program will significantly support the CERT program by providing an instruction component. In addition, it will also upgrade Journeyman Firefighter skills and new recruit training as well as update Fire Department training information needs.

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17. **Fire Reserve Program.** This is an unique and groundbreaking approach to enhancing and expanding the fire fighting capacity and response of the City. This program parallels the Police Reserve Program and will train and equip an initial cadre of 20 reservists for the first year of operation. The reserve would augment, not replace, existing staff and provide additional personnel for major disasters.
18. **Fire Department Systems Support.** In order to support a variety of Departmental programs for major emergency response, additional systems support is required.
19. **New Fire Station, Equipment and Support for Quake Vulnerable Area.** This project and program will build a new fire station on a site East of the Hayward Fault. If this station is constructed, it will be only one of two fire facilities east of the fault line in Berkeley. This full service station will reduce response time for medical emergencies and will provide rapid wildland fire detection and response. Mobile patrols would operate out of this station in high fire hazard days.
20. **Urban Wildland Interface Response.** This project will equip the Fire Department with specialized and highly maneuverable equipment to fight wildland fire in inaccessible areas. It will add measurably to the City's capacity to respond to seismic events. Included will be mobile hose tenders and portable high capacity pumps which can be used in accessing major natural water supplies (Lake Anza or the Bay) to supplement the existing system. In addition, the project will provide a stationary high volume salt water pump at Aquatic Park which can be used in conjunction with hose tenders to provide temporary replacement of damaged water mains.
21. **Replace Water System in Critical Areas.** This citywide program would replace antiquated and obsolete single 2 1/2 inch outlet hydrants at key locations with modern dual outlet hydrants. In the first year, the program will add 4,000 feet of badly needed water mains and hydrants in particularly vulnerable neighborhoods.
22. **Enhancing Core Fire Stations.** Key fire stations which provide service to critical areas will receive additional personnel. This will increase the number of personnel available for first response and take pressure off neighborhood fire stations by allowing them to remain in their districts. Generally this will reduce response times.
23. **Upgrade Citywide Water System.** The Tunnel Fire pointed out the need to have an adequate water supply in the event of a variety of disasters. Some Berkeley cast iron water mains are almost 80 years old and are subject to major deposit buildup, reducing water flow. This project will replace existing 4 and 6 inch water mains with the now

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industry standard 8 inch water main.

24. Citywide 800 Mega Hertz Communication Network. This would provide a state of the art communication system which has capacity of incorporating multiple jurisdiction networks. It will also provide all City Department (Police, Fire, Public Works, Health and Human Services) a common and integrated communication system.

Financial Impact

This proposed tax would generate approximately \$6.1 million in funding to support emergency operations and response enhancements and new program initiatives for improved natural and man-made disaster preparedness measures.

Contact Persons

Gary Cates, Fire Chief 644-6665
Steve Belcher, Assistant to the City Manager 644-6580
Denise Johnston, Assistant to the City Manager 644-6580

Attachments

ATTACHMENT I

CITY OF BERKELEY
EMERGENCY PROGRAMS AND PROJECTS

	PROGRAM OR PROJECT	RECURRING COSTS	CAPITAL AND START UP COSTS
1	Disaster Warning/Information System	\$1,000	\$150,000
2	Emergency Operation Center		\$300,000
3	911 Sequencing Equipment Project		\$30,000
4	Emergency Management Incident Command Sys.	\$20,000	
5	Access and Evacuation Plan		\$30,000
6	Fuel Reduction and Management Plan		\$50,000
7	Yard Debris Program	\$100,000	
8	Public Property Fuel Management Program	\$300,000	
9	Emergency Access and Evacuation Programs	\$100,000	
10	Footpath Signage and Extension Program	\$50,000	
11	Weather Monitoring Station		\$21,000
12	Improve Existing Radio System		\$187,000
13	Citizen's Emergency Response Training	\$50,000	
14	Inspection Program	\$262,000	\$27,400
14	Fire Safety Public Education Program	\$95,000	\$5,000
16	Firefighter Training	\$97,000	\$5,000
17	Fire Reserve Program	\$246,000	\$539,000
18	Fire Department Systems Support	\$38,000	\$5,000
19	New Fire Station and Equipment	\$1,224,000	\$1,840,000
20	Urban-Wildland Interface Response	\$10,000	\$1,010,000
21	Replace Water System in Critical Areas		\$15,500,000
22	Enhancing Core Fire Stations	\$840,000	\$112,000
23	Upgrade of Citywide Water System		\$56,500,000
24	Citywide 800MH Communications Network		\$4,000,000
	TOTAL	\$3,433,000	\$80,311,400

City OF BERKELEY PROPOSED ORDINANCE
MEASURE _____

BE IT ORDAINED by the People of the City of Berkeley as follows:

Section 1. Title and Purpose.

This chapter may be cited as the "Emergency Operations And Response Act of 1992." The tax imposed under this chapter is solely for the purpose of increasing the existing level of service for emergency operations and response in the event of an earthquake, fire, hazardous materials incident and/or any other emergency or catastrophic event that endangers the health and safety of Berkeley citizens, and to provide funding for a new fire station, an upgrade in the City's water systems, increased staffing for fire suppression, rescue, hazardous materials mitigation and emergency medical services, firefighter training, public education programs, fuel and/or vegetation management and reduction programs, emergency warning systems, access and evacuation planning, communications systems and equipment, an emergency operations center, acquisition of land for and construction of a fire station on the east side of the Hayward fault, and any other services, programs, improvement and/or equipment to increase the City's ability to respond to an emergency or catastrophic event.

Section 4 of Article XIII A of the California Constitution (Proposition 13) allows two-thirds of the qualified electors of the City to impose a special tax within the City, provided the special tax is not an ad valorem tax on real property or a transaction tax or a sales tax on the sale of real property within the City. The tax imposed by this Ordinance is a special tax which is authorized for elector approval by Section 4 of Article XIII A of the California Constitution.

Section 2. Definitions.

For the purposes of this chapter only the following terms shall be defined as set forth below:

- A. "Building" shall mean any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, chattel or property of any kind. The word "building" includes the word "structure."
- B. "Commercial," "Industrial" and "Institutional" shall refer to all buildings and improvements within the City that are not classified by this chapter as dwelling units.
- C. "Dwelling" shall mean a building or portion of a building designed for human occupancy.
- D. "Dwelling unit" shall mean a building or portion of a building designed for or occupied exclusively by one family.
- E. "Family" shall mean one or more persons related by blood, marriage or adoption, and in addition, any domestic servants or gratuitous guests thereof who are living together in a single dwelling unit and maintaining a common household. Family shall also mean all unrelated persons who live together in a single dwelling unit and maintain a common household.
- F. "Improvements" shall mean all buildings or structures erected or affixed to the land.

- G. "Square footage" shall mean the total gross horizontal areas of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of buildings (or the center lines of party walls separating such buildings or portions thereof) or within lines drawn parallel to and two feet within the roof line of any building or portion thereof without walls (which includes, notwithstanding Paragraph G.3 below, the square footage of all porches), and including pedestrian access walkways or corridors, but excluding the following:
1. Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto.
 2. Areas which are outdoor or semi-outdoor areas included as part of the building to provide a pleasant and healthful environment for the occupants thereof and the neighborhood in which the building is located. This exempted area is limited to stoops, balconies and to natural ground areas, terraces, pools and patios which are landscaped and developed for active or passive recreational use, and which are accessible for use by occupants of the building.
 3. Arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service or production areas.
- H. "Structure" shall mean anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.
- I. "Parcel" shall mean a unit of real estate in one ownership as shown on the most current official assessment role of the Alameda County Assessor.

Section 3. Imposition Of Tax.

There is hereby imposed a tax on the square footage of all improvements in the City of Berkeley, except where the improvements are otherwise exempt from taxation by Section 9 and/or Section 3.1 of this chapter.

Effective July 1, 1992, the tax imposed by this Chapter shall be at the following rates:

- A. For all dwelling units, the tax shall be imposed at the rate of \$0.1000 per square foot of improvements.
- B. For all industrial, commercial and institutional buildings, the tax shall be imposed at the rate of \$0.0500 per square foot of building and improvements.

Section 4. Exemption For Very Low-Income Homeowners.

Effective July 1, 1992, the tax imposed by this chapter shall not apply to any property owned by any person whose total personal income, from all sources, for the previous calendar year, does not exceed that level which shall constitute "very low-income," as may be established by resolution of the City Council. Any taxpayer claiming the exemption under this section shall be required to demonstrate his or her entitlement thereto annually by submitting an application and supporting documentation to the City Manager or his or her designee in the manner and at the time establish in regulations and/or guidelines hereafter promulgated by the City Manager subject to review by the

City Council in its discretion. Such applications shall be on forms provided by the City Manager, or his or her designee, and shall provide and/or be accompanied by such information as the City Manager shall require, including but not limited to, federal income tax returns and W-2 forms.

Section 5. Limited Authority Of City Council To Annually Increase The Tax Hereby Imposed To Reflect Cost Of Living And Personal Income Growth Increases.

A. Subject to the conditions of paragraph B. below, the City Council of the City of Berkeley is hereby authorized to increase the tax rates imposed by this chapter.

B. The City Council may increase the taxes imposed hereby only upon a finding that the cost of living in the immediate San Francisco Bay Area, or personal income growth in the State of California, as verified by official United States economic reports has increased; and the increase of the taxes imposed hereby shall not exceed this verified increase in the cost of living in the immediate San Francisco Bay Area, or personal income growth in California, whichever is greater.

Section 6. Term of Tax-Imposition.

The tax imposed by this chapter shall be operative on July 1, 1992.

Section 7. Duties Of The Director of Finance - Notice Of Decision.

It shall be the duty of the Director of Finance to collect and receive all taxes imposed by this chapter, and to keep an accurate record thereof.

The Director of Finance is hereby charged with the enforcement of this chapter, except as otherwise provided herein, and may prescribe, adopt and enforce rules and regulations relating to the administration and enforcement of this chapter, including provisions for the re-examination and correction of returns and payments. The Director of Finance may prescribe the extent to which any ruling or regulation shall be applied without retroactive effect.

Upon disallowing any claim submitted pursuant to Section 9, the Director of Finance shall mail written notice thereof to the claimant at his/her last known address.

Section 8. Interest And Penalties.

The City Council is authorized to have the taxes imposed by this chapter collected by the County of Alameda in conjunction with the county's collection of property tax revenues for the City of Berkeley. In the event that the County of Alameda collects the taxes imposed by this chapter, the imposition of penalties, additional fees and interest upon persons who fail to remit any tax imposed by this chapter, or who fail to remit any delinquent remittance under this chapter, shall be subject to and governed by the rules, regulations and procedures utilized by the County of Alameda in its collection of property taxes for the City of Berkeley, and in its collection of this additional tax for the City of Berkeley.

Every penalty imposed and such interest as accrues under the provisions of this chapter shall become a part of the tax herein required to be paid.

Section 9. Refund Of Tax, Penalty Of Interest Paid More Than Once, Or Erroneously Or Illegally Collected.

Whenever the amount of any tax, penalty or interest has been paid more than once or has been erroneously or illegally collected or received by the City under this chapter, it may be refunded provided a verified claim in

writing therefor, stating the specific ground upon which said claim is founded, is filed with the Director of Finance within three years from the date of payment. The claim shall be audited by the Director of Finance and shall be made on forms provided by the Director of Finance. If the claim is approved by the Director of Finance, the excess amount collected or paid may be refunded or may be credited on any amounts then due and payable from the person from whom it was collected or by whom paid, and the balance may be refunded to such person, his/her administrators or executors.

Section 10. Collection Of Unpaid Taxes.

The amount of any tax, penalty, and interest imposed under the provisions of this chapter shall be deemed a debt to the City. Any person owing money under the provisions of this chapter shall be liable to an action brought in the name of the City for recovery of such amount.

Section 11. Savings Clause.

The provisions of this chapter shall not apply to any person, association, corporation or to any property as to whom or which it is beyond the power of the City Council to impose the tax herein provided. If any sentence, clause, section or part of this chapter, or any tax against any individual or any of the several groups specified herein is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality, or invalidity shall affect only such clause, sentence, section or part of this chapter and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this chapter. It is hereby declared to be the intention of the City Council of the City of Berkeley that this chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein. (Ord. 5262-N.S. section 1980.)

Section 12. Violation-Penalty.

Any person who fails to perform any duty or obligation imposed by this chapter shall be guilty of an infraction as set forth in Chapter 1.20 of this code. The penalties provided in this section are in addition to the several remedies provided in this chapter.

Section 13. Increase Appropriations Limit.

Pursuant to California Constitution Article XIII B, the appropriation limit for the City of Berkeley is hereby increased by the aggregate sum authorized to be levied by this special tax for each of the four fiscal years from 1992-93 through 1995-96.

Section 14. Limit On The Use Of Taxes Raised By This Ordinance.

The taxes raised by this Ordinance shall be used by the City for the sole purpose of increasing the existing level of service for emergency operations and response in the event of an earthquake, fire, hazardous materials incident and/or any other emergency or catastrophic event that endangers the health and safety of Berkeley citizens, and to provide funding for a new fire station, an upgrade in the City's water systems, increased staffing for fire suppression, rescue, hazardous materials mitigation and emergency medical services, firefighter training, public education programs, fuel and/or vegetation management and reduction programs, emergency warning systems, access and evacuation planning, communications systems and equipment, an emergency operations center, acquisition of land for and construction of a fire station on the east side of the Hayward fault, and any other services, programs, improvement and/or equipment to increase the City's ability to respond to an emergency or catastrophic event.

The taxes raised by this Ordinance shall not be deposited into the City's General Fund and shall not be used to fund services existing at the time of the enactment of this Ordinance.

ATTACHMENT III

EMERGENCY OPERATIONS AND RESPONSE TAX
ANNUAL REVENUE - FIRST YEAR

Residential Square Footage	\$ 57,788,776 @ 10¢	\$ 5,778,877
Commercial/Industrial Square Footage	21,274,081 @ 5¢	1,063,704
Institutional		<u>\$ 6,842,581</u>
Less Exemptions for Schools, Religious Institutions, etc.		<u>(400,000)</u>
TOTAL TAX PROCEEDS		\$ 6,442,581

LESS:

County Collection Cost	1.7%	(109,524)
Uncollectable	4.5%	(289,916)
ESTIMATED NET REVENUE - FY 1992-93		<u>\$ 6,043,141</u>



0124902005

ATTACHED IS

ENTERED IN THE SYSTEMS
RECORDS - 1977-78

1. 1977-78

1. 1977-78

2. 1978-79

2. 1978-79

3. 1979-80

3. 1979-80

4. 1980-81

4. 1980-81

5. 1981-82

5. 1981-82

1977-78

1. 1977-78

1. 1977-78

1. 1977-78

2. 1978-79

2. 1978-79

2. 1978-79

3. 1979-80

3. 1979-80